

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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ANNABELLE GURWITCH, individually
and on behalf of all others similarly situated,

Plaintiff,

-against-

SAVE ON SP LLC, EXPRESS SCRIPTS,
INC., and ACCREDO HEALTH GROUP
INC.,

Defendants.
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Case No. 1:25-cv-00006-LJV

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

ORAL ARGUMENT REQUESTED

NATURE OF ACTION:

791 Labor: E.R.I.S.A

MOVING PARTIES:

Defendants Express Scripts, Inc. and Accredo
Health Group.

MOTION:

Motion to Dismiss Plaintiff's Amended Complaint

DATE & TIME:

At a time to be determined before the Hon.
Lawrence J. Vilardo (or upon submission).

PLACE:

United States Courthouse
2 Niagara Square
Buffalo, New York 14202

SUPPORTING PAPERS:

1. Notice of Motion;
2. Memorandum of Law In Support of Motion to
Dismiss;
3. Declaration of Terrance P. Flynn, Esq. and
accompanying exhibits.

ANSWERING PAPERS:

Pursuant to Local Rule 7(a)(2)(A).

REPLY PAPERS:

Pursuant to Local Rule 7(a)(2)(A).

RELIEF REQUESTED:

Defendants seek an order dismissing Plaintiff's
Amended Complaint with prejudice, and for such
other and further relief as the Court deems just and
proper.

GROUND FOR RELIEF: Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6)

ORAL ARGUMENT: Requested.

Dated: March 14, 2025

Respectfully submitted,

EXPRESS SCRIPTS, INC. AND ACCREDO
HEALTH GROUP, INC.

By their attorneys,

By: /s/ Terrance P. Flynn

Terrance P. Flynn, Esq.
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- and -

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